



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

LEONARD B. GOODWIN, §
Petitioner, §
§
vs. § Civil Action No. 1:19-cv-690-MGL
§
MR. AARON JOYNER, Warden, §
Respondent. §
§

ORDER ADOPTING REPORT AND RECOMMENDATION
AND DISMISSING PETITIONER'S PETITION WITH PREJUDICE
FOR FAILURE TO PROSECUTE

Petitioner Leonard B. Goodwin (Goodwin), proceeding pro se, filed this matter as a petition for writ of habeas corpus (petition) under 28 U.S.C. § 2254. This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting Goodwin's petition be dismissed with prejudice for failure to prosecute. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

After Respondent Mr. Aaron Joyner filed a motion for summary judgment on June 5, 2019, this Court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Goodwin of the importance of the motion and of the need for him to file an adequate response by July 8, 2019. ECF No. 18. Goodwin failed to respond. On July 11, 2019, this Court entered an order directing Goodwin to advise the court whether he wishes to continue with this

case, ECF No. 20, and again, Goodwin failed to respond. Finally, on July 31, 2019, the Magistrate Judge filed the Report recommending this Court dismiss Goodwin's case for failure to prosecute. ECF No. 22. Goodwin failed to file any objection to the Report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this action is **DISMISSED WITH PREJUDICE** for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

To the extent Godwin requests a certificate of appealability from this Court, that certificate is **DENIED**.

IT IS SO ORDERED.

Signed this 20th day of August, 2019, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.